

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

FILE: 1:18 cv 52

**SHELBY LYNN CASH, and  
BETTY JOE CASH BAYNE,**

Plaintiffs,

VS.

- 1) **LEES-MCRAE COLLEGE, INCORPORATED;**
- 2) **JON DRIGGERS**, Dean of Students, Lees-McRae College, Incorporated, in his Official and Individual Capacities;
- 3) **JEFFREY MERRILL**, Title IX Coordinator & Director of Compliance, Lees-McRae College, Incorporated, in his Official and Individual Capacities;
- 4) **JOSH GAISSER**, Assistant Dean of Students for Residence Life, Lees-McRae College, Incorporated, in his Official and Individual Capacities;
- 5) **ANDREW TAYLOR**, Adjunct Instructor, Lees-McRae College, Incorporated, in his Official and Individual Capacities,

Defendants,

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RENEWED MOTION TO ALLOW LATE FILING

NOW COMES Stephen P. Lindsay, counsel for the Plaintiffs herein, and hereby requests that this Court allow him to file late the Plaintiffs' Response to the Defendants' Rule 12(b)(6) Motions to Dismiss. In support of this Motion undersigned does offer and say:

1. This Court granted undersigned an extension of time within which to file said Response. The reason for the extension was that undersigned had a family emergency arise that required his full attention. That motion was unopposed.
2. The time for filing the Response expired on Friday, June 14, 2018 at midnight;
3. Undersigned was unable to file same by that time;

4. The delay in filing was no fault of the Plaintiffs and has not been done to improperly delay this matter or for any other improper purpose.
5. Upon information and belief, this short delay has not prejudiced the Defendants in any way.
6. This Court denied without prejudice this Motion when it was first filed due to there being no representation within the Motion that undersigned, pursuant to Local Rules, had consulted with opposing counsel;
7. Opposing counsel has been consulted and has no objection to the relief sought herein.

Wherefore undersigned prays the Court that it deem timely the Response that has been filed simultaneously herewith.

Respectfully submitted this 21st day of June, 2018.

/s/ Stephen P. Lindsay

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#### CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this Motion for Extension of Time on counsel for the opposing party through the CM/ECF Pacer filing system.

This the 21st day of June, 2018.

/s/ Stephen P. Lindsay

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